

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Dorothy Burke		DEFENDANTS LAPULIA STUDIO INC																																																																																																																																																																							
(b) County of Residence of First Listed Plaintiff <u>Camden</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant <u>Middlesex County</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>																																																																																																																																																																							
(c) Attorneys (Firm Name, Address, and Telephone Number) Law Office of Christopher M. Manganello 18 Pitman Avenue, STE 104 Pitman, New Jersey 08071		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.																																																																																																																																																																							
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																																																																																																																																																																							
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<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5																																																																																																																																																																						
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DOROTHY BURKE,	:	CASE NO.
	:	
Plaintiff,	:	
	:	
v.	:	COMPLAINT FOR
	:	COPYRIGHT INFRINGEMENT
LAPULIA STUDIO INC, a New Jersey	:	
Corporation,	:	DEMAND FOR JURY TRIAL
	:	
Defendant.	:	
	:	

Plaintiff Dorothy Burke avers as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action seeking to put an immediate stop to, and to obtain redress for, Defendant's blatant and purposeful infringement of the copyright in Plaintiff's artwork.
2. Recognizing Plaintiff's talent and in a brazen and improper effort to capitalize on Plaintiff's hard-earned talent, Defendant has created and publicized (or caused to be created and publicized) the use of Plaintiff's artwork on various book covers, and has done so for Defendant's profit.
3. Defendant's conduct is causing, and unless immediately enjoined will continue to cause, enormous and irreparable harm to Plaintiff. Defendant may not continue to exploit Plaintiff's talent without authorization in order to use it on products available to the public. Defendant's conduct must immediately be stopped and Plaintiff must be compensated for Defendant's willful acts of infringement.

JURISDICTION AND VENUE

4. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. 7 § 106, et seq.

5. This Court has subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because the acts of infringement complained of herein occurred within the State of New Jersey in this judicial district, and Defendant has caused injury to Plaintiff and her intellectual property within the State of New Jersey and in this judicial district.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 17 ff(c), and/or § 1400(a).

THE PARTIES

8. Plaintiff Dorothy Burke is an artist and the legal and/or beneficial owner of a copyright interest in and to the artwork that is the subject of this action. Plaintiff resides at 131 Sparks Avenue, Gloucester, New Jersey 08090.

9. Defendant LaPulia Studio Inc is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business is 1 Coulter Drive, Old Bridge, New Jersey.

10. Plaintiff is informed and believes and on that basis avers that at all times mentioned in this complaint, Defendant was the agent and, in doing the things alleged in this complaint, was acting within the course and scope of such agency.

GENERAL AVERMENTS

11. Plaintiff is the artist of the original artwork. Plaintiff owns the rights and title to

the artwork as an artist.

12. In or around November 2014, it came to Plaintiff's attention that Defendant and/or their agents reproduced, distributed, and/or publicly performed (and/or caused to be reproduced, distributed, and/or publicly performed) a substantial portion of the Infringed Artwork without Plaintiff's authorization on several book covers.

13. Defendant does not have any license, authorization, permission or consent to use the Infringed Artwork.

COUNT I

COPYRIGHT INFRINGEMENT

(17 U.S.C. §§ 106 and 501)

(By Plaintiff Against Defendant)

14. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 13, inclusive.

15. Through their conduct averred herein, Defendant has infringed Plaintiff's copyright in the Infringed Composition in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Defendant's acts of infringement are willful, intentional and purposeful, in disregard of and with indifference to Plaintiff's rights.

17. As a direct and proximate result of said infringement by Defendant, Plaintiff is entitled to damages in an amount to be proven at trial.

18. Plaintiff is also entitled to Defendant's profits attributable to the infringement, pursuant to 17 U.S.C. § 504(b), including an accounting of and a constructive trust with respect to such profits.

19. Plaintiff further is entitled to her attorneys' fees and full costs pursuant to 17 U.S.C. § 505 and otherwise according to law.

20. As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiff is informed and believes and on that basis avers that unless enjoined and restrained by this Court, Defendant will continue to infringe Plaintiff's rights in the Infringed Artwork. Plaintiff is entitled to preliminary and permanent injunctive relief to restrain and enjoin Defendant's continuing infringing conduct.

WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:

1. For damages in such amount as may be found, or as otherwise permitted by law.
2. For an accounting of, and the imposition of constructive trust with respect to, Defendant's profits attributable to their infringements of Plaintiff's copyright in the Infringed Artwork.
3. For a preliminary and permanent injunction prohibiting Defendant, and their respective agents, servants, employees, officers, successors, licensees and assigns, and all persons acting in concert or participation with each or any of them, from continuing to infringe Plaintiff's copyright in the Infringed Artwork.
4. For prejudgment interest according to law.
5. For Plaintiff's attorneys' fees, costs, and disbursements in this action.
6. For such other and further relief as the Court may deem just and proper.

LAW OFFICE OF
CHRISTOPHER M. MANGANELLO

Dated: ____ / ____ / ____

By:

Christopher M. Manganello, Esquire
18 Pitman Avenue, Suite 104
Pitman, NJ 08071
www.esq4hire.com
P: (856) 218-7070
F: (856) 218-7071
www.esq4hire.com
Attorney for Plaintiff

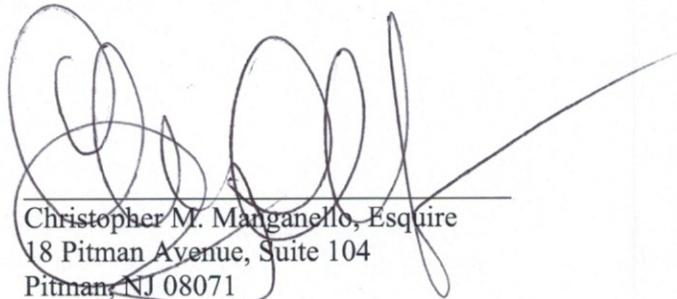
DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

LAW OFFICE OF
CHRISTOPHER M. MANGANELLO

Dated: ____ / ____ / ____

By:



Christopher M. Manganello, Esquire
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Pitman, NJ 08071
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P: (856) 218-7070
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Attorney for Plaintiff